

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

UMG RECORDINGS, INC., *et al.*,

Plaintiffs,

v.

KURBANOV, *et al.*,

Defendants.

Case No. 1:18-cv-00957-CMH-TCB

**PLAINTIFFS' MEMORANDUM IN RESPONSE TO
MOTION TO WITHDRAW AS COUNSEL FOR TOFIG KURBANOV**

Plaintiffs do not object to the withdrawal of Val Gurvits, Matthew Shayefar, Evan Fray-Witzer, and Jeffrey Geiger as counsel for Defendant Tofig Kurbanov ("Defendant"). In view of the pending withdrawal motion, Defendant's steadfast refusal to comply with the Court's discovery orders and participate in discovery, and the deadline for completion of fact and expert discovery in less than three weeks, Plaintiffs respectfully request that the Court promptly suspend discovery and the final pretrial conference pending a ruling on a motion for terminating sanctions that Plaintiffs intend to file by August 13, 2021.

Good cause exists to extend all case deadlines. All discovery is set to conclude by August 13, 2021, and a pretrial conference is scheduled for August 19, 2021. (ECF No. 77; ECF No. 87, ¶ 1.) Defendant has failed to comply with the Court's June 4, 2021 and June 25, 2021 discovery orders to produce documents and information that is plainly relevant to the core claims and defenses in this case. Defendant's counsel stated that Defendant "has made clear that he does not intend to cooperate further with the present litigation" and "has indicated that he will not provide Counsel for Defendant with any additional discovery and will not sit for his previously-noticed deposition." (ECF No. 115, at 2.) Suspending discovery and the pretrial

conference pending a ruling on Plaintiffs' forthcoming motion for terminating sanctions will lead to the orderly and expeditious disposition of this action and further avoid unnecessary and expensive discovery, including completing the production of documents responsive to Defendant's discovery requests, preparing a supplemental expert report, and burdening third parties with discovery.

Further, Defendant's counsel stated that, if their motion to withdraw is allowed, they will provide Plaintiffs' counsel with the email address and telephone number that they have used to communicate with Defendant. (ECF No. 115, at 3.) If the Court grants Defendant's counsel's motion to withdraw, Plaintiffs respectfully ask the Court to authorize Plaintiffs' counsel to serve any filings on Defendant at that email address.*

Respectfully submitted,

Dated July 26, 2021

/s/ Scott A. Zebrak

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* Before Defendant's counsel filed an appearance in this case, the Court authorized Plaintiffs to serve process on Defendant by email. (ECF No. 14.)